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Attorneys for Defendant  
7 CAPITAL GROUP COMMUNICATIONS, INC.

8  
9 UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 COLONIAL STOCK TRANSFER,  
13

Plaintiff,  
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v.  
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16 GOTTAPLAY INTERACTIVE, INC., a  
Nevada corporation, and CAPITAL GROUP  
COMMUNICATIONS, INC., a California  
17 corporation,  
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Defendants.  
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Case No. C-07-04470 EMC

**DECLARATION OF MICHAEL  
DONNER IN SUPPORT OF CAPITAL  
GROUP'S OPPOSITION TO  
COLONIAL'S MOTION TO SHORTEN  
TIME**

20 1. I am an attorney duly licensed to practice law in this Court and all of the  
21 Courts in the State of California and a partner at Stein & Lubin LLP, counsel of record for  
22 defendant Capital Group Communications, Inc. ("Capital Group") in this matter. I have personal  
23 knowledge of the matters stated in this declaration and, if called upon as a witness, could and  
24 would testify competently to them.

25 2. On September 12, 2007, I spoke by telephone with James Barrett, counsel  
26 for plaintiff Colonial Stock Transfer ("Colonial"). Mr. Barrett told me during that telephone call  
27 that he intended to file some sort of ex parte application to shorten time regarding a motion to  
28 discharge Colonial from some measure of liability related to the 2,000,000 shares it previously

1 had interpleaded in this action. I requested that, as a matter of courtesy, he not file the application  
2 until my colleague, Jonathan Sommer, was back in the office during the week of September 17.  
3 Mr. Barrett agreed.

4 3. I never agreed to hear a motion to discharge on shortened time. We never  
5 discussed any amount of time by which the briefing or hearing for such a motion would be  
6 shortened, nor did we discuss what relief the motion would seek in any meaningful way (beyond  
7 the simple fact that it would be a motion to discharge Colonial). In fact, during our conversation I  
8 told Mr. Barrett that I thought his proposed motion to discharge would be wasteful given that (a)  
9 Colonial could not avoid all liability and (b) Capital Group intended to bring Colonial into the  
10 related action, *Case No. C-07-3632, Capital Group Communications, Inc. v. Gottaplay*  
11 *Interactive, Inc., et al.*, as a defendant based on multiple claims.

12 I declare under penalty of perjury under the laws of the United States of America  
13 that the foregoing is true and correct. Executed on September 18, 2007.

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15 \_\_\_\_\_/s/ Michael F. Donner

16 Michael F. Donner  
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